

Exhibit 6

Motion to Dismiss

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division**

M. FRANCINE MODDERNO,

Plaintiff,

v.

Case No. 1:11-cv-1057

RESIDENTIAL FUNDING COMPANY, LLC,, et al.,

Defendants.

AMENDED MOTION TO DISMISS (with ROSEBORO NOTICE)

For the reasons set forth in the accompanying memorandum of law, Defendants Residential Funding Company, LLC, ("RFC"), GMAC Mortgage Group, LLC, incorrectly identified as GMAC Mortgage Group, Inc., ("GMAC"), Ally Financial Inc., incorrectly identified as Ally Financial, Inc., ("Ally"), Homecomings Financial, LLC, incorrectly identified as Homecomings Financial ("Homecomings Financial"), Ally Securities LLC, incorrectly identified as Ally Securities, LLC, Tom Marano, GMAC-RFC Holding Company, LLC, incorrectly identified as GMAC RFC Holding Company, ETS of Virginia, Inc., incorrectly identified as Executive Trust Services of Virginia, Inc. ("ETS") and Mary Lynch move this Court, pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, to dismiss this Amended Complaint with prejudice.

WHEREFORE, Defendants Residential Funding Company, LLC, ("RFC"), GMAC Mortgage Group, LLC ("GMAC"), Ally Financial Inc. ("Ally"), Homecomings Financial, LLC ("Homecoming Financial"), Ally Securities LLC, Tom Marano, GMAC-RFC Holding Company, LLC, Executive Trust Services of Virginia, Inc. ("ETS") and Mary Lynch ask that this Court dismiss the Amended Complaint with prejudice.

Date: November 16, 2011

Respectfully Submitted,
RESIDENTIAL FUNDING COMPANY, LLC,
GMAC MORTGAGE GROUP, LLC, ALLY
FINANCIAL INC., HOMECOMINGS
FINANCIAL, LLC, ALLY SECURITIES LLC,
TOM MARANO, GMAC-RFC HOLDING
COMPANY, LLC, ETS OF VIRGINIA, INC. and
MARY LYNCH

/s/ _____
William W. Tunner, VSB No. 38358
Robert R. Musick, VSB No. 48601
ThompsonMcMullan, P.C.
100 Shockoe Slip
Richmond, Virginia 23219
Tel: (804) 649-7545
Fax: (804) 780-1813
wtunner@t-mlaw.com
bmusick@t-mlaw.com

Notice to Pro Se plaintiff:

- (1) The pro se party is entitled to file a response opposing the motion and that any such response must be filed within twenty-one (21) days of the date on which the dispositive or partially dispositive motion is filed; and
- (2) The Court could dismiss the action on the basis of the moving party's papers if the pro se party does not file a response; and
- (3) The pro se party must identify all facts stated by the moving party with which the pro se party disagrees and must set forth the pro se party's version of the facts by offering affidavits (written statements signed before a notary public and under oath) or by filing sworn statements (bearing a certificate that it is signed under penalty of perjury); and
- (4) The pro se party is also entitled to file a legal brief in opposition to the one filed by the moving party.

CERTIFICATE OF SERVICE

I certify that on this 16th day of November, 2011, a true and exact copy of the foregoing Amended Motion to Dismiss and Notice to Pro Se plaintiff was mailed by first class mail to M. Francine Moddermo, 17147 Needles Court Leesburg, Virginia 20176.

/s/
William W. Tunner, VSB No. 38358
Robert R. Musick, VSB No. 48601
ThompsonMcMullan, P.C.
100 Shockoe Slip
Richmond, Virginia 23219
Tel: (804) 649-7545
Fax: (804) 780-1813
wtunner@t-mlaw.com
bmusick@t-mlaw.com
Counsel for Defendants